

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES BLUNT,

Petitioner,

Case No. 08-cv-14808

v.

HON. MARK A. GOLDSMITH

MARY BERGHUIS,

Respondent.

OPINION AND ORDER
DENYING PETITIONER'S MOTION FOR
CERTIFICATE OF APPEALABILITY (Dkt. 44)

Petitioner Charles Blunt's seeks a certificate of appealability from the Court's denial of his motions for relief from judgment under Federal Rules of Civil Procedure 60(b) and 60(d). The Court denied Petitioner's pro se petition for a writ of habeas corpus on April 5, 2011. 4/5/2011 Order (Dkt. 13). The United States Court of Appeals for the Sixth Circuit affirmed the Court's decision on November 20, 2012. Blunt v. Woods, 505 F. App'x 569 (6th Cir. 2012).

Petitioner then filed a motion for relief from judgment. (Dkt. 26). The Court denied the motion, 10/15/2013 Order (Dkt. 27), and denied Petitioner's motion for reconsideration, 11/18/2013 Order (Dkt. 30). The Sixth Circuit denied Petitioner's application for a certificate of appealability from the Court's denial of his motion for relief from judgment. 10/27/2014 Order (Dkt. 37).

Petitioner then filed motions under Rules 60(b) and 60(d), See Pet'r Mots. (Dkt. 39, 40), which the Court denied, 8/26/2016 Order (Dkt. 41). Petitioner has now filed a motion for a certificate of appealability related to the Court's denial of his motions. See generally Pet'r Mot. (Dkt. 44).

A certificate of appealability (“COA”) may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 483 (2000). Petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims to be debatable or wrong.” Slack, 529 U.S. at 483. “A prisoner seeking a COA must prove something more than the absence of frivolity or the existence of mere good faith on his or her part.” Miller-El v. Cockrell, 537 U.S. 322, 338 (2003).

The Court denied both of Petitioner’s motions because they simply rehashed arguments already presented to the Court and provided no evidence or argument establishing a fraud was committed upon the Court or any other basis warranting relief from judgment. The Court finds jurists of reason would not find the conclusion that the motions should be denied to be debatable or wrong. See Slack, 529 U.S. at 484.

Accordingly, the Court denies Petitioner’s motion for a certificate of appealability (Dkt. 44).

SO ORDERED.

Dated: January 24, 2017
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 24, 2017.

s/Karri Sandusky
Case Manager